

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NAJEE RICHARD,

Plaintiff,

v.

TAMI SCHULT and SABRINA,

Defendants.

ORDER

23-cv-680-jdp

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Plaintiff Najee Richard alleges that prison staff forced him to use contaminated and rotten potatoes out of the garbage in preparing food at the prison. I granted Richard leave to proceed on Eighth Amendment claims against defendants Tami Schult and Sabrina. Dkt. 11. Richard also alleged that he received a conduct report for complaining about the contaminated food; I stated that his allegation could support a First Amendment retaliation claim, but that he did not explain who gave him the conduct report. *Id.*

Now Richard has responded with a submission stating that Sabrina M. Jones gave him a conduct report for inadequate work performance and that other staff members approved it and delivered it either to him or to administration. Dkt. 12. Richard asks to be granted leave to proceed on First Amendment retaliation claims against all of these proposed defendants. I will grant him leave to proceed on a retaliation claim against Jones, who I take to be the “Sabrina” against whom he already brings an Eighth Amendment claim. But I will not allow him to proceed against the other proposed defendants because Richard does not explain how they knew that Jones’s conduct report was fabricated for the purpose of retaliating against him for complaining, and that they chose to assist Jones’s retaliatory efforts.

ORDER

IT IS ORDERED that:

1. Plaintiff Najee Richard is now GRANTED leave to proceed on an Eighth Amendment claim against defendant Tami Schult and on Eighth Amendment and First Amendment retaliation claims against defendant Sabrina M. Jones.
2. Plaintiff's submission at Dkt. 12, is considered part of the operative complaint.

Entered November 29, 2023.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge